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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,228	01/22/2004	Hiroki Shizuya	118421	2718
25944	7590	11/30/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER PAUL, DISLER	
			ART UNIT 2615	PAPER NUMBER
			MAIL DATE 11/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/761,228

Applicant(s)

SHIZUYA ET AL.

Examiner

Disler Paul

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/6/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5-7, 10-12, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by chen (US 6,990,205 B1).

RE claim 1, Chen disclose of the apparatus utilizing sound-image localization for distributing audio secret information (fig.2,4-7), comprising: a first signal processor for distributing at least one target sound as secret information into a plurality of stereo media, wherein the distribution is performed such that the sound-image of the target is shifted from the center position of the head when said plurality of stereo media are simultaneously played to be heard in a binaural manner (fig.1,4; wt (14,12,16)/at source 1 with top level; col.11 line 30-40; col.12 line 30-50/the first sound with processor to localized/shifting the sound at specified/selected position); a second signal processor for distributing a plurality of decoy sounds as disturbing information into the said plurality of stereo media,

wherein the distribution is performed such that the sound-image of the decoy sounds is localized to the center position of the head when said plurality of stereo media are simultaneously played to be heard in a binaural manner (fig.1,4; wt (14,12,16); col.11 line 30-40/at multiple sources K at the lower level; col.12 line 30-50/the second sound with processor to localized/shifting the sound at specified/selected position with localization cues).

Re claim 2, the apparatus according to claim 1, wherein said first and second signal processors control whether or not that the sound-image is localized to the center position of the head by adjusting volumes of right and left channels of the stereo media, respectively (fig.5; col.12 line 33-50/user interface allow to input localization cues such as volumes for the each source).

RE claim 5, the apparatus according to claim 1, further comprising calculating for calculating the number of said stereo media from a desired safety factor and/or an anticipated colluder factor using computing means (col.10 wt table 1/factors in conspiring to doing positional directions of different sources to be computed).

Re claims 10,15 have been analyzed and rejected with respect to claim 5 above.

Re claims 6-7, 11-12 have been analyzed and rejected with respect to claims 1-2 respectively.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4,8-9,13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over chen (US 6,990,205 B1) and further in view of Official notice.

Re claim 3, the apparatus according to claim 1, wherein having the sum of target and decoy sounds (fig.1B, wt (source 1---source K; 20); col.5 line 44-60); However, chen fail to disclose of the specific wherein the sum, n, of the number of said target sound and the number of said decoy sounds is equal to or less than 6. However, official notice is taken the limitation of having the sum of independent signals being equal to or less than 6 simply the inventor's preference, thus it would have been obvious for one of the ordinary skill in the art to have modify chen by incorporating the limitation of having

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the sum of independent signals being equal to or less than 6 for creating localization.

Re claim 4, the apparatus according to claim 1, wherein localizing cues is based on volume control/adjustment of the signal (col.1 line 30-37; col.3 line 1-15; col. 12 line 1-50), However, chen fail to disclose of the limitation wherein the peak amplitude, p , of one side of one sound signal of said stereo media is equal to or less than about 10. However, official notice is taken the limitation of having the peak amplitude of the signal to being equaled to or less than 10 is simply the inventor's preference, thus it would have been obvious for one of the ordinary skill in the art at the time of the invention to have incorporate the having a peak signal ob being equal to or less than about 10 for creating localization spatial signal.

Re claims 8-9,13-14 have been analyzed and rejected with respect to claims 3-4 respectively.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP


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TECHNICAL FIELD: SEP 2700